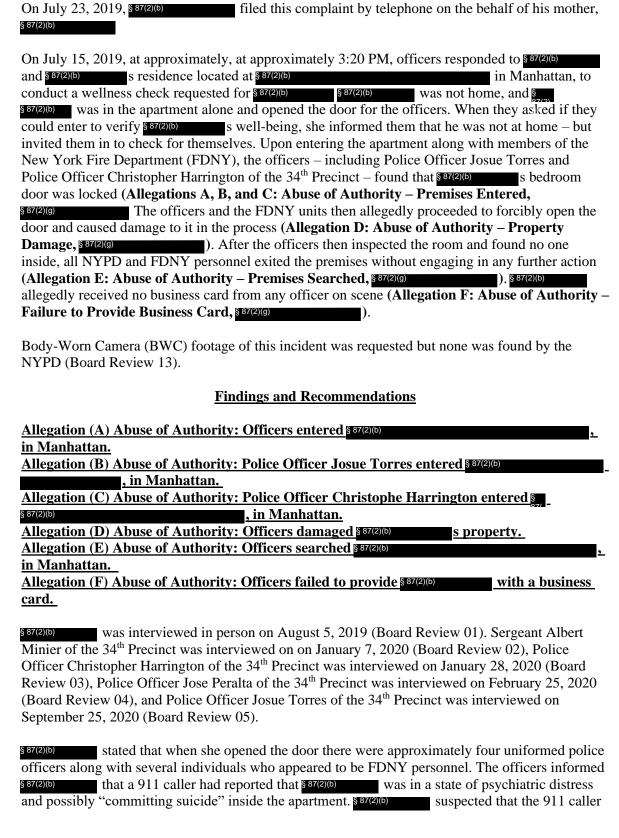
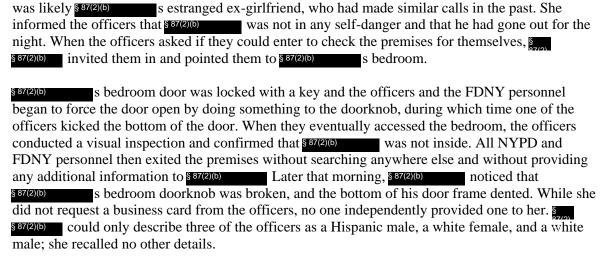
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	U.S.
Santosh Prakash		Squad #2	201906427	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Saturday, 06/15/2019 3:00 AM		§ 87(2)(b)		34	12/15/2020	8/1/2021
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Tin	ne Received at CC	RB
Tue, 07/23/2019 9:50 AM		CCRB	Phone	Tue, 07/2	23/2019 9:50 AM	
Complainant/Victim	Type	Home Addre	ess	•		
Subject Officer(s)	Shield	TaxID	Command			
1. Officers			034 PCT			
2. POM Josue Torres	21771	960031	MAN CT			
3. POM Christophe Harrington	16553	964543	034 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. SGT Alberto Minier	03733	955199	034 PCT			
Officer(s)	Allegatio	on		Inv	vestigator Recor	nmendation
A. Officers	Abuse: Officers entered in Manhattan.					
D DOM I T				nattan.		
B.POM Josue Torres	Abuse: Police Officer Josue Torres entered in Manhattan.					
C.POM Christophe Harrington	Abuse: Police Officer Christophe Harrington entered in Manhattan.					
D. Officers	Abuse: Officers damaged 887(2)(b) s property.					
E. Officers	Abuse: Officers searched					
	§ 87(2)(b)		in Manh			
F. Officers	Abuse: Officers failed to provide § 87(2)(b) with a					

Case Summary





Multiple queries for BWC footage returned negative results. NYPD documents though established the following facts. Based on the 34th Precinct's Resource Recapitulation Log (Board Review 06), only two police units relayed radio communications regarding this incident under ICAD EVENT # Police Officer Christopher Harrington and Police Officer Josue Torres, designated unit 34RES1-1; and Sergeant Minier and his operator, as unit SGT-1. The finalized Roll Call (Board Review 07) for the tour confirms that Police Officer Harrington and Police Officer Torres were in fact assigned as unit 34RES1-1 (and were the only officers assigned to a Response Auto unit) and that Sergeant Minier was their patrol supervisor.

The EVENT information in ICAD \$37(2)(b) informs the operator that her friend \$37(2)(b) is suffering from depression and expressing suicidal ideation; she says he told her "he didn't want to live anymore," and that he mentioned taking "pills." Providing \$37(2)(b) is a saddress and physical description, the 911 caller requests that a wellness check be conducted. The police dispatcher then relays the above over radio as an EDP-involved job, prompting the dispatch of unit 34RES1-1 to respond to the location. The EVENT information shows that unit 34RES1-1 soon arrived at \$37(2)(b) is a 3:22 PM, along with Emergency Medical Service (EMS) technicians. At 4:02 AM it notes, "RMP Requested for patient behind locked door" by EMS and shortly thereafter there is a note that an unspecified RMP had arrived on scene. At 4:14 AM, EMS reported that "APU gained entry no [patient]" and the job is closed a disposition is assigned as "unnecessary." Though it indicates that they were dispatched at the inception of the incident, the EVENT has no notation indicating that 34SGT-1 or ESU ever arrived (10-84) at the incident location.

Though at times inaudible due to low audio quality, the police radio communications for the relevant time period show that a unit identifying as "[3]4 Response 1" transmitted several messages regarding the incident at [3]4 Response 1" (Board Review 09, 14). The last of these communications was transmitted at approximately 4:15 AM, or 58:32 in the audio recording, at which time "34 Response 1" tells the dispatcher, "Be advised no EDP." This corresponds to the relevant entry in the Resource Recapitulation Log, which shows the job completion time as 4:15 AM. However, the radio communications notably contain no discernible references to the other information in the EVENT timeline, such as the presence and/or activity of EMS personnel at the scene, or the transmissions regarding the "locked door," the request for an RMP at 4:02 AM, and the "gained entry." These discrepancies between the EVENT and the radio communications were likely the result of the fact that those messages in the EVENT were given by EMS or other FDNY personnel, rather than officers, and therefore are not reflected in the NYPD radio transmissions

recording obtained by the investigation.

Police Officer Torres testified that he had no knowledge or recollection of responding to or being involved in any activity at \$87(2)(b). He did not recognize \$87(2)(b) by photograph. Police Officer Torres acknowledged that he and his partner Police Officer Harrington had their assignment changed at the beginning of their tour from "Skywatch" (a fixed location tower post) to patrol unit 34RES1-1, and that they maintained this assignment until the end of their tour. Police Officer Torres also reviewed both the Resource Log and the relevant EVENT and acknowledged that the former document appeared to show him or Police Officer Harrington in radio communications about the incident, and that the latter showed unit 34RES1-1 as first to arrive at the scene and as the unit relaying the final disposition as 90Y. Police Officer Torres, however, still did not recall the incident in any manner and could offer no explanation as to why the documents specifically logged him and Police Officer Harrington as the responding unit.

Police Officer Harrington stated that Police Officer Torres was his partner, but that both officers were assigned to Skywatch, a fixed location tower post located elsewhere in the Precinct and required to remain there for the whole tour. Police Officer Harrington also denied having any knowledge of or involvement with the police response to \$87(2)(b)

Sergeant Minier also stated that he had no knowledge or recollection of the incident. He acknowledged that as the patrol supervisor, he was likely to relay radio communications to dispatch units or issue directives. However, he did not recall doing so with regards to any EDP-related jobs at [87(2)6) . Sergeant Minier reviewed the Resource Recap Log but it did not refresh his recollection as to what he might have transmitted about the incident to cause his name to be logged into the record.

Police Officer Peralta stated that he was assigned to the Skywatch post with Police Officer Patrick McGurk, and that the two officers remained there for the entirety of their tour. Police Officer Peralta had no recollection of responding to the incident location either.

All of the interviewed officers' memo books were consistent with the statements they provided, and none had any notations regarding the incident in question (Board review 10).

The investigation submitted multiple requests to the NYPD to conduct an Automatic Vehicle Locator (AVL) query for the incident location, to determine if any of the above-referenced officers' vehicles were in the vicinity at the time of the time incident. The first of these requests was submitted to the NYPD in April 2020. After several follow-ups, the NYPD ultimately responded in June 2021 that AVL queries could only be conducted within a year of the incident date (Board Review 11).

§ 87(2)(g)	

§ 87(2)(g)							
	<u>Civilian and C</u>	Officer CCRB Histories					
 This is the first complaint to which \$87(2)(b) and \$87(2)(b) have been a party. Police Officer Torres has been a member of service for five years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. \$87(2)(9) 							
 Police Officer Harrington has been a member of service for three years and has not been a subject in any prior CCRB complaints. 							
Mediation, Civil and Criminal Histories							
 \$87(2)(b) and \$87(2)(b) declined to mediate this complaint. A Notice of Claim query was submitted to the New York City Office of the Comptroller on July 19, 2021. The results will be added to the case file upon receipt. 							
• [§ 87(2)(b)] [§§	; 86(1)(3)&(4)] [§ 87(2)(c)]						
Squad No.:	02						
Investigator:		Inv. Santosh Prakash Print Title & Name	7/19/21 Date				
Squad Leade	er: Alexander Opoku-Agyemang Signature	IM Alexander Opoku-Agye Print Title & Name	emang <u>7/19/2021</u> Date				